

AMENDED IN ASSEMBLY APRIL 5, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1551**

**Introduced by Assembly Member Pescetti**

February 26, 1999

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An act *to amend and renumber Section 39619 of, and to add Article 10 (commencing with Section 17077.10) to Chapter 12.5 of, Part 10 of the Education Code relating to school facilities.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1551, as amended, Pescetti. School facility construction: energy efficiency.

Existing law, the Leroy F. Greene School Facilities Act of 1998, (the Greene Act of 1998) establishes a program in which the State Allocation Board is required to provide state per-pupil funding, including hardship funding, for new school facilities construction and school facilities modernization for applicant school districts.

Existing law requires all new state public buildings and publicly funded schools to be models of energy efficiency and to be designed, constructed, and equipped with all energy efficiency measures, materials, and devices that are feasible and cost-effective over the life of the building.

This bill would require, as part of the requirements for submission of an application to the State Allocation Board for new construction funding pursuant to the Greene Act of 1998, the applicant school district to provide a resolution of the

governing board of the school district certifying that an energy analysis and report has been prepared for the proposed facilities to be constructed or modernized, and that the energy analysis and report illustrates that the facilities as designed, and as proposed to be constructed and equipped, will exceed by 15% the minimum building energy-efficiency standards mandated for new public buildings.

*Existing law establishes the State School Deferred Maintenance Fund which is continuously appropriated for various purposes relating to the maintenance of school facilities. Existing law requires the State Allocation Board to apportion, from the State School Deferred Maintenance Fund, a specified amount of funds to school districts on a 50% matching basis, to the extent funds are available.*

*This bill would require local amounts identified for matching apportionments from the State School Deferred Maintenance Fund to include local expenditures for the payment of energy analysis fees pursuant to this bill.*

*This bill would make a technical, nonsubstantive conforming change relating to the reorganization of related provisions pursuant to Chapter 277 of the Statutes of 1996.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 10 (commencing with Section  
2 17077.10) is added to Chapter 12.5 of Part 10 of the  
3 Education Code, to read:

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5 Article 10. Energy Analysis and Report

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7 17077.10. (a) As part of the requirements for  
8 submission of an application to the State Allocation Board  
9 for funding pursuant to this chapter for any new  
10 construction or modernization project, the applicant  
11 school district shall provide the State Allocation Board  
12 with a resolution of the governing board of the school  
13 district certifying that an energy analysis and report has  
14 been prepared for the proposed facilities to be



1 constructed or modernized, and that the energy analysis  
2 and report illustrates that the facilities as designed, and as  
3 proposed to be constructed and equipped, will exceed by  
4 15 percent the minimum building energy-efficiency  
5 standards mandated for new public buildings pursuant to  
6 the latest edition of the California Building Standards  
7 Code.

8 (b) The energy analysis and report shall include all of  
9 the following:

10 (1) An executive summary that describes each  
11 proposed energy conservation measure in lay terms,  
12 including but not limited to, the overall construction costs  
13 for each proposed energy conservation measure when  
14 compared to base structures or technologies, the annual  
15 utilities saving when compared to base structures or  
16 technologies, and the payback period.

17 (2) A computer model demonstrating the energy  
18 efficiency of the proposed facilities.

19 (3) The proposed equipment and structures or  
20 technologies of each energy conservation measure shall  
21 be specifically identified and described, including the  
22 types, quantities, manner of operation, and methods of  
23 control.

24 (4) The energy efficiency of each energy conservation  
25 measure proposed for the project shall be compared  
26 against the standards set forth in the latest edition of the  
27 California Building Standards Code which shall function  
28 as base standards for the purposes of this article.

29 (5) The projected energy use and cost savings of each  
30 proposed energy conservation measure shall be set forth  
31 in detail, including the specific type and amount of fuel  
32 to be used and to be saved as compared to corresponding  
33 base standard structures or technologies.

34 (6) A schedule that clearly demonstrates and  
35 compares the total construction cost differences,  
36 including costs of equipment, materials, and labor,  
37 between each proposed energy conservation measure  
38 and its corresponding base standard structure.

39 (7) A life-cycle cost analysis for each proposed energy  
40 conservation measure, including, but not limited to, use

1 of discount and inflation rates provided pursuant to the  
2 Energy Assessments Program of the Department of  
3 General Services. Each measure shall be shown to have  
4 a projected life-cycle cost return on investment within 15  
5 years.

6 *SEC. 2. Section 39619 of the Education Code is*  
7 *amended and renumbered to read:*

8 ~~39619.~~—

9 17584. (a) Whenever, in any given fiscal year, a  
10 school district has budgeted, exclusive of state matching  
11 funds and district funds previously matched pursuant to  
12 subdivision (b), in its deferred maintenance fund  
13 established pursuant to Section ~~39618~~ 17582 an amount  
14 equal to, or greater than, that amount the district  
15 expended from its general fund for major maintenance,  
16 repair, or modernization of existing school buildings, as  
17 specified in Section ~~39618~~ 17582, exclusive of categorical  
18 aid funds and any proceeds from the sale of district  
19 property which were expended for the purpose of the  
20 district deferred maintenance account, in either the  
21 1978–79 or 1979–80 fiscal year, adjusted annually to the  
22 current fiscal year in conformance with the percentage  
23 change in the district revenue limit computed pursuant  
24 to Section 42237 or 42238, the Superintendent of Public  
25 Instruction shall so certify to the State Allocation Board.

26 (b) The State Allocation Board shall apportion, from  
27 the State School Deferred Maintenance Fund, to school  
28 districts an amount equal to one dollar (\$1) for each one  
29 dollar (\$1) of local funds up to a maximum of  $\frac{1}{2}$  percent  
30 of the district's current-year revenue limit average daily  
31 attendance multiplied by the average, per unit of average  
32 daily attendance, of the total expenditures and ending  
33 fund balances of the total general funds and adult  
34 education funds for districts of similar size and type, as  
35 defined in subdivision (b) of Section 42238.4, for the  
36 second prior fiscal year, exclusive of any amounts  
37 expended for capital outlay or debt service, to the extent  
38 of funds available pursuant to Chapter 24 (commencing  
39 with Section 17780) of Part 10.

1 (c) Notwithstanding subdivision (a), in order to be  
2 eligible to receive state aid pursuant to subdivision (b),  
3 no district shall be required to budget from local district  
4 funds an amount greater than  $\frac{1}{2}$  percent of the district's  
5 current-year revenue limit average daily attendance,  
6 multiplied by the average, per unit of average daily  
7 attendance, of the total expenditures and ending fund  
8 balances of the total general funds and adult education  
9 funds for districts of similar size and type, as defined in  
10 subdivision (b) of Section 42238.4 for the second prior  
11 fiscal year, exclusive of any amounts expended for capital  
12 outlay or debt service.

13 (d) *The local matching funds referenced in*  
14 *subdivision (b) shall include any local expenditures by*  
15 *the school district for the payment of energy analysis fees*  
16 *incurred pursuant to Article 10 (commencing with*  
17 *Section 17077.10) of Chapter 12.5 of Part 10.*

